

602.8107 Collection of court debt.

1. *Definitions.* As used in [this section](#) unless the context otherwise requires:

a. “Court debt” means all restitution as defined in [section 910.1](#), fees, forfeited bail, and other debt paid to or collected by the clerk of the district court.

b. (1) “Installment agreement” means an agreement made for the payment of court debt in excess of one hundred dollars in installments.

(2) The judicial branch may establish a threshold amount that is lower than the threshold amount specified in subparagraph (1) by court rule.

c. “Installment payment” means the partial payment of court debt which is divided into portions that are made payable at different times.

2. *Clerk of the district court collection.* Court debt shall be owed and payable to the clerk of the district court. All amounts collected shall be distributed pursuant to [sections 602.8106](#) and [602.8108](#) or as otherwise provided by this Code. The clerk may accept payment of an obligation or a portion thereof by credit card. Any fees charged to the clerk with respect to payment by credit card may be paid from receipts collected by credit card.

a. If the clerk receives payment from a person who is an inmate at a correctional institution or who is under the supervision of a judicial district department of correctional services, the payment shall be applied to the balance owed under the identified case number of the case which has resulted in the placement of the person at a correctional institution or under the supervision of the judicial district department of correctional services.

b. (1) Except as provided in subparagraph (2), if a case number is not identified, the clerk shall apply the payment to the balance owed in the criminal case with the oldest judgment against the person.

(2) The clerk shall apply payments to pecuniary damages in other criminal cases when no case number is identified in priority order from the oldest judgment to the most recent judgment before applying payments to any other court debt.

c. Payments received under [this section](#) shall be applied in the following priority order:

(1) Pecuniary damages as defined in [section 910.1, subsection 3](#).

(2) Fines or penalties and the crime services surcharge.

(3) Crime victim compensation program reimbursement.

(4) Court costs, court-appointed attorney fees, or public defender expenses.

d. The court debt is deemed delinquent if it is not paid within thirty days after the date it is assessed. An amount which was ordered by the court to be paid on a date fixed in the future pursuant to [section 909.3](#) is deemed delinquent if it is not received by the clerk within thirty days after the fixed future date set out in the court order. If an amount was ordered to be paid by installments, and an installment is not received within thirty days after the date it is due, the entire amount of the court debt is deemed delinquent.

3. *Collection by department of revenue.*

a. Thirty days after court debt has been assessed and full payment has not been received, or if an installment payment is not received within thirty days after the date it is due, the judicial branch shall assign a case to the department of revenue, unless the case has been assigned to the county attorney under paragraph “d”.

b. (1) The department of revenue shall receive fifteen percent of each court debt payment collected on cases assigned to the department of revenue for collection to reflect the cost of processing and the remaining eighty-five percent of such court debt collected shall be paid to the clerk of the district court for distribution under [section 602.8108](#). The department of revenue collection fee shall not include the amount of court debt collected for restitution involving pecuniary damages, the victim compensation fund, the crime services surcharge, the domestic and sexual abuse crimes surcharge, the agricultural surcharge, or the sex offender civil penalty.

(2) Payments made by a person under subparagraph (1) between January 1, 2021, and January 1, 2022, including any portion of the payment applied to the department of revenue’s processing fee, shall be reapplied as if no department of revenue processing fee had been added to the amount owed. The department of revenue shall be allocated a portion of such payments pursuant to subparagraph (1). If a payment made by a person owing court debt between January 1, 2021, and January 1, 2022, reduces the person’s total amount of court debt

owed to zero, the clerk of the district court shall issue a refund to the person in the amount attributable to the processing fee added to the court debt. This subparagraph is repealed on January 1, 2023.

c. The centralized debt collection facilities of the department of revenue established pursuant to [section 421.17, subsection 27](#), shall collect court debt assigned to the department of revenue pursuant to [this section](#).

d. Thirty days after court debt has been assessed and full payment has not been received, or if an installment payment is not received within thirty days after the date it is due, and if a county attorney has filed with the clerk of the district court a notice of full commitment to collect delinquent court debt pursuant to [subsection 4](#), the case shall be assigned to the county attorney as provided in [subsection 4](#). The judicial branch shall assign cases with delinquent court debt to a county attorney in the same format and with the same frequency as cases with delinquent court debt are assigned to the department of revenue under paragraph “a”, and a county attorney shall not be required to file an individual notice of full commitment to collect delinquent court debt for each assigned case. If the county attorney or the county attorney’s designee, while collecting delinquent court debt pursuant to [subsection 4](#), determines that a person owes additional court debt for which a case has not been assigned by the judicial branch, the county attorney or the county attorney’s designee shall notify the clerk of the district court of the appropriate case numbers and the judicial branch shall assign these cases to the county attorney for collection if the additional court debt is delinquent.

4. *County attorney collection.* The county attorney or the county attorney’s designee may collect court debt after the court debt is deemed delinquent pursuant to [subsection 2](#). In order to receive a percentage of the amounts collected pursuant to [this subsection](#), the county attorney must first file with the clerk of the district court on or before July 1 of the first year the county attorney collects court debt under [this subsection](#), a notice of full commitment to collect delinquent court debt, and a memorandum of understanding with the state court administrator for all cases assigned to the county for collection by the court. The notice shall contain a list of procedures which will be initiated by the county attorney. For a county attorney filing a notice of full commitment for the first time, the cases involving delinquent court debt previously assigned to the department of revenue shall remain assigned to the department of revenue. Cases involving delinquent court debt assigned to the county attorney after the filing of a notice of full commitment by the county attorney shall remain assigned to the county attorney. A county attorney who chooses to discontinue collection of delinquent court debt shall file with the clerk of the district court on or before May 15 a notice of the intent to cease collection of delinquent court debt at the start of the next fiscal year. If a county attorney ceases collection efforts, or if the state court administrator deems that a county attorney collections program has become ineligible to collect as specified in paragraph “f”, all cases involving delinquent court debt assigned to the county attorney shall be transferred on July 1 to the department of revenue for collection, except that debt associated with any existing installment agreement shall remain assigned to the county for collection unless an installment payment becomes delinquent, after which the delinquent debt associated with the installment agreement shall be transferred promptly to the department of revenue for collection.

a. [This subsection](#) does not apply to amounts collected for restitution involving pecuniary damages, the victim compensation fund, the crime services surcharge, the domestic and sexual abuse crimes surcharge, the agricultural theft surcharge, the sex offender civil penalty, or under [section 8A.504](#).

b. Amounts collected by the county attorney or the county attorney’s designee shall be distributed in accordance with paragraphs “c” and “d”.

c. (1) Twenty-eight percent of the amounts collected by the county attorney or the person procured or designated by the county attorney shall be deposited in the general fund of the county if the county attorney has filed the notice required by [this subsection](#), unless the county attorney has discontinued collection efforts on a particular delinquent amount.

(2) The remaining seventy-two percent shall be paid to the clerk of the district court each fiscal year for distribution under [section 602.8108](#). However, if such amount, when added to the amount deposited into the general fund of the county pursuant to subparagraph

(1), exceeds the following applicable threshold amount, the excess shall be distributed as provided in paragraph “d”:

(a) For a county with a population greater than one hundred fifty thousand, an amount up to one million dollars.

(b) For a county with a population greater than one hundred thousand but not more than one hundred fifty thousand, an amount up to six hundred thousand dollars.

(c) For a county with a population greater than fifty thousand but not more than one hundred thousand, an amount up to three hundred thousand dollars.

(d) For a county with a population greater than twenty-six thousand but not more than fifty thousand, an amount up to one hundred thousand dollars.

(e) For a county with a population greater than fifteen thousand but not more than twenty-six thousand, an amount up to fifty thousand dollars.

(f) For a county with a population equal to or less than fifteen thousand, an amount up to twenty-five thousand dollars.

d. After the total collected by a county attorney exceeds the threshold amount set in paragraph “c”, and for the remainder of the fiscal year, five percent of the additional moneys collected shall be deposited with the office of the county attorney that collected the moneys; twenty-eight percent of the additional moneys collected shall be deposited in the general fund of the county where the moneys were collected; and the remaining sixty-seven percent of the additional moneys shall be paid to the clerk of the district court for distribution under [section 602.8108](#) or the state court administrator may distribute the remainder under [section 602.8108](#) if the additional moneys have already been received by the state court administrator.

e. (1) A county may enter into an agreement pursuant to [chapter 28E](#) with one or more other counties for the purpose of collecting delinquent court debt pursuant to [this subsection](#).

(2) When a county enters into a [chapter 28E](#) agreement with another county or counties to collect delinquent court debt, the county or the county debt collection designee must collect an amount of delinquent court debt that originated in the county and that is equal to the applicable threshold amount under paragraph “c” in order for the county to qualify for distribution of moneys collected by county attorneys under paragraph “d”.

f. Beginning July 1, 2017, within two years of beginning to collect delinquent court debt, a county attorney shall be required to collect one hundred percent of the applicable threshold amount specified in paragraph “c”. If a county attorney collects more than eighty percent but less than one hundred percent of the applicable threshold amount, the state court administrator shall provide notice to the county attorney specifying that in order to remain eligible to participate in the county attorney collection program, the county attorney must collect at least one hundred twenty-five percent of the applicable threshold amount by the end of the next fiscal year. If a county attorney who has been given such a notice fails to collect one hundred twenty-five percent of the applicable threshold amount, the state court administrator shall provide notice to the county attorney that the county is ineligible to participate in the county attorney collection program for the next two fiscal years and all existing and future court cases with delinquent court debt shall be assigned to the department of revenue. The provisions of this paragraph apply to all counties, including those counties where delinquent court debt is collected pursuant to a [chapter 28E](#) agreement with one or more counties.

5. *Uncollectible debt.*

a. Court debt that has been assigned to the department of revenue for collection pursuant to [subsection 3](#) may be charged off from active collection by the director of the department of revenue if either of the following conditions exist:

(1) The person owing the court debt is deceased and there are no assets in the person’s estate or there are no assets available for the payment of court debt under [section 633.425](#).

(2) The person owing the court debt cannot be located after diligent inquiry and the director of the department of revenue determines the department will not be able to locate the person.

b. Court debt for any of the following shall not be charged off until sixty-five years from the date of imposition:

(1) Pecuniary damages.

- (2) Victim compensation.
- (3) A criminal penalty surcharge.
- (4) A sex offender civil penalty.
- (5) A drug abuse resistance education surcharge.
- (6) A law enforcement initiative surcharge.
- (7) A county enforcement surcharge.
- (8) Fees charged pursuant to [section 356.7](#).
- (9) A crime services surcharge.
- (10) A domestic and sexual abuse crimes surcharge.
- (11) An agricultural theft surcharge.

c. Debt that is charged off shall remain due and owing, but the judicial branch shall close the corresponding case file for the purposes of collection pursuant to [this section](#).

6. *Reports.* The judicial branch shall prepare a report aging the court debt. In addition, the report shall include the amounts written off pursuant to [subsection 5](#). The judicial branch shall provide the report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, the legislative services agency, and the department of management by December 15 of each year.

93 Acts, ch 110, §8; 94 Acts, ch 1023, §118; 94 Acts, ch 1142, §2, 3; 95 Acts, ch 169, §6 – 8, 10; 96 Acts, ch 1219, §72; 97 Acts, ch 128, §3; 98 Acts, ch 1047, §60; 98 Acts, ch 1116, §2; 2001 Acts, ch 168, §2; 2002 Acts, ch 1119, §96; 2003 Acts, ch 145, §273, 286; 2004 Acts, ch 1101, §84; 2004 Acts, ch 1119, §4; 2004 Acts, ch 1175, §199, 200; 2007 Acts, ch 196, §9 – 11; 2008 Acts, ch 1172, §25; 2009 Acts, ch 41, §263; 2009 Acts, ch 119, §45; 2010 Acts, ch 1146, §16 – 21; 2012 Acts, ch 1063, §4; 2013 Acts, ch 90, §171; 2015 Acts, ch 138, §92 – 96, 161, 162; 2016 Acts, ch 1119, §5, 6, 8; 2020 Acts, ch 1074, §8 – 10, 65 – 67, 83, 87 – 93; 2021 Acts, ch 145, §3 – 6, 11; 2021 Acts, ch 174, §26, 35

Referred to in §96.11, 321.11A, 321.40, 321.210A, 321.210B, 331.756(5)(d), 602.8102(105B), 602.8102(105C), 602.8103, 602.8105, 901.5B, 907.7, 907.9

Surcharges, see [chapter 911](#)

Victim compensation fund, see [§915.94](#)

For future amendment to subsection 4, paragraph a, effective upon the later of January 1, 2021, or the effective date of rules adopted by the department of revenue to implement 2020 Acts, ch 1064; 2020 Acts, ch 1064, see 2020 Acts, ch 1064, §24, 28; 2020 Acts, ch 1118, §73, 74

2021 amendments to subsection 3 effective January 1, 2022; 2021 Acts, ch 145, §11; 2021 Acts, ch 174, §35

Subsection 1, paragraph a amended

Subsection 3 amended

Subsection 4, paragraph a amended

Subsection 5 stricken and rewritten